S.B.Criminal Revision Petition No.904/2004

(Sikendra Singh Vs. State of Rajasthan & Anr.)

Date of order : 17.1.2005

HON'BLE MR.H.R.PANWAR,J.

Mr. S.S.Dhillon, for the petitioner.
Mr. N.Moolchandani, Public Prosecutor.

This revision petition has been filed by the petitioner against the order dt. 18.10.2004 passed by Additional Sessions Judge, Rajgarh, Distt. Churu (for short `the trial court') in Sessions Case No.28/2004, whereby the trial court allowed the application filed by respondent No.2 the complainant under section 319 Cr.P.C. and took the cognizance of offences under sections 307, 447, 341, 323, 325, 147, 148 and 149 I.P.C. against the petitioner and issued a non-bailable warrant to procure his presence before the trial court.

Learned counsel for the petitioner does not want to challenge the order taking cognizance. The only grievance of the learned counsel for the petitioner is that instead of securing the presence of the petitioner by a non-bailable warrant, a bailable warrant be issued for securing his presence before the trial

court.

It is contended by the learned counsel for the petitioner that all other co-accused are on bail and after investigation, since the police did not file the challan against the petitioner, no useful purpose will be served in securing the presence of petitioner by a non-bailable warrant.

Having regard to the pecuniary facts and circumstances of the case and looking to the allegations against the petitioner that he caused a simple injury by blunt to injured Subhram, I am of the view that the issuance of warrant of arrest does not appear to be justified.

Consequently, the revision petition is dismissed. However, the petitioner shall appear before the trial court on 25.1.2005 and move a regular bail. If such application is filed, the trial court keeping in view the fact that all co-accused, who have been challaned by the police, are already on bail, shall release the petitioner on bail on the terms and conditions, which the trial court thinks fit.

(H.R.PANWAR),J.

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